



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.12925 of 2020

WEB COPY

Somasundaram

:Petitioner/Accused No.2

Vs

1.The Deputy Superintendent of Police (Rural),
Tuticorin,
Tuticorin District.

2.The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.
(Crime No.163/2010)

:Respondents/Complainant

3.Esakimuthu

:Respondent/Defacto
Complainant/Victim

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned II Additional District Sessions Judge, (PCR Act Cases)Tirunelveli to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Cr.No.163 of 2020 on the file of the second respondent.

For Petitioner : Mr.C.Susi Kumar

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor (Crl.side)

O R D E R

The petitioner is shown as Accused No.2 in Crime No.163 of 2020, registered on the file of Thattaparai Police Station, Tuticorin District, for the offences under Sections 288, 304 of IPC r/w Section 3(1)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2.The learned counsel appearing for the petitioner reiterated the contentions set out in the original petition. In view of the order going to be passed, notice to the 3rd respondent is not necessary.

3.This is the third application filed by the petitioner. The petitioner filed the first application in CRL.OP(MD)No.7457 of 2020 which was dismissed and thereafter, second application was filed in CRL.OP(MD)No.8246 of 2020 and the same was dismissed on 06.08.2020. In fact, the first accused is running a Septic Tank Cleaning Company



in the name of ''Sudar Septic Tank Cleaning''. On 02.07.2020, the petitioner engaged the 1st accused to clean his septic tank and subsequently he came to understand that accidentally, the 3rd respondent's son became unconscious while he was cleaning the septic tank and immediately, the 1st accused took the 3rd respondent's son to the hospital and subsequently he died. Since the petitioner had engaged the deceased to work in his house, he has been included as an accused. Though the second application of the petitioner has been dismissed as early as on 06.08.2020, till date, the petitioner has not been arrested.

4. In my opinion, interest of justice will be served by permitting the petitioner to surrender before the Court concerned. Accordingly, the petitioner is directed to surrender before the II Additional District Sessions Judge, (PCR Act Cases) Tirunelveli, within a period of eight weeks from the date of receipt of a copy of this order. The learned Judge shall dispose of the petitioner's bail petition on the same day of surrender on its own merits. There will be a direction to the respondents 1 and 2 not to arrest the petitioner till the expiry of the abovesaid period of eight weeks.

5. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

bala/vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The II Additional District Sessions Judge,
(PCR Act Cases) Tirunelveli.

2. The Deputy Superintendent of Police (Rural),
Tuticorin,
Tuticorin District.



3.The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P (MD) No.12925 of 2020
DATED : 18.11.2020

VB (26.11.2020) 3P 5C